IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 14954 of 2007(E)

PETITIONER:

AMMINI, AGED 58 YEARS,
W/O.LATE PARAMESWARAN,
KARIKKINKATTIL HOUSE, KANGARAPPADY,
THRIKKAKKARA NORTH VILLAGE.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESETNED BY
SECRETARY TO DEPARTMENT OF HOME AFFAIRS,
TRIVANDRUM.

2. DIRECTOR GENERAL OF POLICE,
STATE OF KERALA,TRIVANDRUM.

3. SUPERINTENDENT OF POLICE, ALUVA RURAL.

4. ASSISTANT COMMISSIONER OF POLICE,
NARCOTIC CELL, EDAPPALLY.

5. CIRCLE INSPECTOR OF POLICE,
MUNAMBAM.

6. SUB INSPECTOR OF POLICE,
MUNAMBAM.

7. CENRAL BUREAU OF INVESTIGATION,
REPRESENTED BY DIRECTOR, NEW DELHI.

8. SUPERINTENDENT OF POLICE,
CRIME BRANCH,TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.14954 of 2007

Dated this the 27th day of September, 2007

JUDGMENT

The petitioner is the mother of a person who had met with an unnatural death. The crime was registered initially under Section 174 Cr.P.C under the caption `man missing'. The grievance of the petitioner is that no proper investigation has been conducted into that crime. Police have not seriously applied themselves to the task and challenge before them and in these circumstances, the petitioner's right to have a proper and efficient investigation conducted into the unnatural death of her son is infringed. This in short is the plea.

2. Notice was given to the learned Public Prosecutor . The learned Public Prosecutor after taking instructions submits that the superior officers are aware of the grievance of the petitioner and cognizant of the justice of her request. Directions have now been issued that further investigation must be conducted into the crime by a very senior official of police - Dy.Superintendent of Police, Aluva. The said officer has already been directed to take up further investigation as per order dated 11.09.07. The learned Public Prosecutor submits that the needful shall be done and every possible effort to get a fair, efficient and expeditious investigation conducted

shall be taken by the said Dy.Superintendent of Police, who has now been directed to conduct the investigation. Reasonable time may be granted to the said officer to conduct and complete further investigation, prays the learned Public Prosecutor .

3. I am satisfied, in the circumstances of this case, that no further direction need be issued in this Writ Petition. This Writ Petition is, in these circumstances, dismissed, but with the observation that I expect the Investigating Officer, who has now taken over further investigation, to conduct and complete the investigation as expeditiously as possible - at any rate, within a period of 6 months from this date. Needless to say, if the petitioner were not satisfied with such investigation, she shall be at liberty to approach this Court again at a later stage and the dismissal of this Writ Petition will not in any way fetter the right of the petitioner to approach this Court again should need arise in future.

Hand over a copy of this order to the learned Public Prosecutor.

(R.BASANT, JUDGE)

rtr/-